



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND  
HARRY HUGHES  
Governor

BOARD OF APPEALS  
1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

(301) 383-5032

BOARD OF APPEALS

THOMAS W. KEECH  
Chairman

HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members

SEVERN E. LANIER  
Appeals Counsel

MARK R. WOLF  
Chief Hearing Examiner

— DECISION —

Decision No.: 57-BR-86  
Date: January 20 , 1986  
Claimant: Brenda S. Weaver  
Appeal No.: 8510936  
S. S. No.:  
Employer: Murray Corporation  
ATTN: Melissa East  
L.O. No.: 50  
Appellant: EMPLOYER

Issue: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of, Section 6(a) of the Law.

— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAYBE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

February 19, 1986

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review on the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner but disagrees with some of the Hearing Examiner's reasoning in his conclusions of law.

The claimant quit her job because she suffered an allergic reaction to some of the chemicals she was working with at Murray Corporation. There is medical documentation to support this. However, she did not inform the employer of this problem.

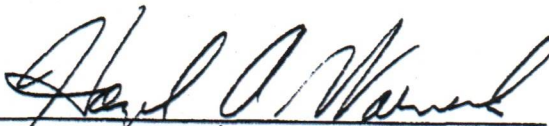
The Board finds that the claimant's reason for quitting is very definitely connected with the conditions of her employment. However, because she quit before giving her employer an opportunity to correct the problem, the Board concludes that she quit, not for good cause, but due to a substantial cause, connected with the conditions of her employment and for that reason there are valid circumstances and a minimum penalty is warranted.

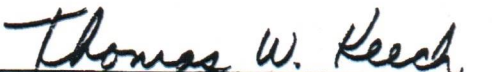
#### DECISION

The claimant's unemployment is due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning July 21, 1985 and the four weeks immediately following.

The decision of the Hearing Examiner is affirmed.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits and Federal Supplemental Compensation (FSC) unless the claimant has been employed after the date of the disqualification.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Chairman

W:K

kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS



DEPARTMENT OF EMPLOYMENT AND TRAINING

STATE OF MARYLAND
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201

(301) 383-5040

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Appeals Counsel

MARK R. WOLF
Chief Hearing Examiner

DECISION

Claimant: Brenda S. Weaver

Date: November 8, 1985

Appeal No.: 10936

S. S. No.:

Employer: Murray Corporation

L.O. No.: 50

Appellant: Employer

Issue: Whether the Claimant's unemployment is due to leaving work voluntarily, without good cause, within the meaning of Selection 6(a) of the Law.

NOTICE OF RIGHT TO PETITION FOR REVIEW

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

November 25, 1985

APPEARANCES

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Present via telephone
Glen Rock, Pennsylvania

Melissa East,
Personnel
Interviewer
via telephone
Cockeysville,
Maryland

FINDINGS OF FACT

The claimant was employed by the Murray Corporation for about one and a half years until July 26, 1985. She performed the services of a material handler and was earning about \$6.25 an hour at the time of termination of this employment.

Some time in November, 1984, the claimant was transferred to perform services in the employer's Quick Seal Department. Her duties in this department involved working in and around certain chemicals. Although other employees were able to do this work, the claimant was allergic to the chemicals that were used and she suffered from allergic reactions to these chemicals. She asked an official of the employer for a transfer to work which would not place her near the chemicals, but she was told that transfers were based upon seniority exclusively and that she did not have a sufficient length of service to obtain a transfer. As a result, the claimant followed the advice given to her by physicians and resigned from her job. There is medical confirmation in the record showing that the claimant had medical advice that the chemicals with which she was working caused an allergic reaction and continued work with them was adverse to the claimant's health.

#### CONCLUSIONS OF LAW

Section 6(a) of the Maryland Unemployment Insurance Law requires disqualification when an individual leaves work voluntarily, without good cause. "Good cause," is defined in the Act as a work-connected reason and this term is construed to mean a reason that is compelling in nature. The Statute provides further that a modified disqualification shall be imposed when an individual leaves work voluntarily for a valid circumstance. A "valid circumstance," means a substantial work-connected reason for leaving work, or in the alternative, valid circumstance means a personal non-job-connected reason for leaving work that is so compelling or necessitous that the worker had no reasonable alternative, but to leave.

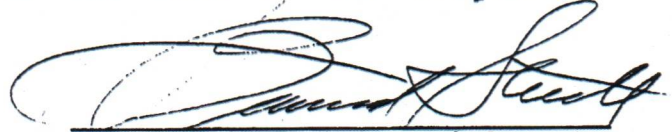
The claimant had no alternative, but to leave her job because of the allergic reaction from which she suffered as a result of the chemicals that she was using. This is construed as a personal reason for leaving which was compelling in nature. Therefore, it is held that the claimant left work voluntarily for a valid circumstance.

#### DECISION

The employment of the claimant was due to leaving work voluntarily, without good cause, but for a valid circumstance within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning July 21, 1985 and the four weeks immediately following.

The determination of the Claims Examiner dated September 6, 1985 is affirmed.

This denial of unemployment insurance benefits for a specified number of weeks will also result in ineligibility for Extended Benefits and Federal Supplemental Compensation (FSC), unless the claimant has been employed after the date of the disqualification.



Benard Street  
Hearings Examiner

Date of hearing: October 31, 1985  
cdg/8283  
(J. Barnard)  
Cassette #8058  
Copies mailed on November 8, 1985 to:

Claimant  
Employer  
Out of State Claims